

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In re* Application of

MOUSSY SALEM,

Applicant,

FOR AN ORDER TO TAKE DISCOVERY  
PURSUANT TO 28 U.S.C. § 1782 FROM  
JPMORGAN CHASE BANK, N.A.

**Civil Action No.**

**Application for Assistance in Aid of a  
Foreign Proceeding Pursuant to 28 U.S.C.  
§ 1782**

Pursuant to 28 U.S.C. § 1782, Applicant Moussy Salem (“Moussy” or “Applicant”), by and through his undersigned counsel, respectfully submits this Application to take discovery from JPMorgan Chase Bank, N.A. (“JPM”), a resident of this District.

Applicant seeks an order authorizing the issuance of a subpoena *duces tecum* (the “Subpoena”) to JPM in the form attached hereto as **Exhibit A**. This discovery is sought in aid of proceedings (the “English Proceedings”) pending before the High Court of Justice, Business & Property Courts of England and Wales, Business List (ChD) (the “English Court”). The English Proceedings concern allegations by Applicant that Freddy Salem, Monline UK Limited, Salim Levy, and Ezra Aghai engaged in a wrongful pattern of conduct that includes breaches of fiduciary duty, conspiracy, and fraudulent transfers.

As discussed in greater detail in Applicant’s accompanying memorandum of law, this Application: (i) meets the four statutory requirements set forth in 28 U.S.C. § 1782 for granting this Application; and (ii) satisfies the four discretionary factors set forth by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), for granting the Application. The documents and information sought are relevant to the ongoing English Proceedings.

Applicant seeks the requested discovery for use in these proceedings. The discovery sought is neither unduly burdensome nor intrusive to JPM. The English Court is receptive to the discovery sought and Applicant is not using this proceeding as an attempt to circumvent the requirements of the English judicial process.

Although “it is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*,” *Gushlak v. Gushlak*, 486 F. App’x 215, 217 (2d Cir. July 3, 2012), undersigned counsel will take every effort to serve JPM with this Application and attachments thereto and to afford JPM an opportunity to timely respond.

WHEREFORE, Applicant respectfully requests that the Court grant the Application and authorize Applicant to issue the Subpoena to JPM in the form attached hereto as **Exhibit A**; authorize Applicant to issue additional subpoenas for the production of documents and/or depositions as Applicant reasonably deems appropriate, and as are consistent with the Federal Rules of Civil Procedure; for the Court to retain jurisdiction over this matter for purposes of enforcing any subpoenas issued herein; and for such other and further relief as the Court deems just and proper.

Dated: January 3, 2024

Respectfully submitted,

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